

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:93-00196-02

JEROME THOMAS

MEMORANDUM OPINION AND ORDER

The court is in receipt of the parties' submissions addressing defendant's eligibility for a reduced sentence under the First Step Act. The court has reviewed those submissions. Both parties maintain that defendant's maximum statutory range is twenty (20) years. Defendant is currently serving a term of imprisonment of 360 months. However, having reviewed the superseding indictment,* it appears that the statutory maximum for Count Two is forty (40) years under current law. See 21 U.S.C. § 841(b)(1)(B). If this is true, at least with respect to Count Two, defendant would not be serving a sentence in excess of the current statutory maximum.

Should the parties wish to make a further submission based upon the foregoing, they should do so no later than **April 30, 2019**.

* The superseding indictment is found at ECF No. 422-1.

The court **DIRECTS** the Clerk to send a copy of this Memorandum Opinion and Order to the Federal Public Defender, the United States Attorney, the United States Probation Office, and the United States Marshal.

IT IS SO ORDERED this 23rd of April, 2019.

ENTER:

David A. Faber
David A. Faber
Senior United States District Judge